

APPEAL NO. 020805
FILED MAY 22, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 12, 2002. The hearing officer resolved the sole issue before him by determining that the respondent's (claimant) _____, compensable injury, a repetitive trauma injury to her right upper extremity, includes her cervical spine. The appellant (carrier) appealed the determination on sufficiency of the evidence grounds. The claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable repetitive trauma, right upper extremity injury of _____, included an injury to her cervical spine. The medical records from two of the physicians who examined the claimant show that, although the claimant had some preexisting neck conditions, the injury of _____, caused more serious cervical symptoms. The claimant testified that her neck pain was directly related to her right upper extremity problems and was due to her work duties. The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). While the carrier introduced conflicting evidence on the issue, upon our review of the record, we conclude that the hearing officer's determination that the claimant's compensable injury included injury to her cervical spine is sufficiently supported by the evidence and not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GEORGE MICHAEL JONES
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Philip F. O'Neill
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Susan M. Kelley
Appeals Judge